

Commercial



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HONOLULU, HAWAII TERRITORY, FRIDAY, SEPTEMBER 26, 1902.

PRICE FIVE CENTS.

HOME RULE
PARTY IS
SPLIT UPPresence of Pake
Caused the
Row.MOSSMAN WILL
NOT BE CANDIDATENg Mon War One of Fifth District
Nominees--Representative Con-
ventions Name Ticket.

Home Rule is split and the fracture is wide. The placing upon the Fifth district ticket of the name of Ng Mon War, the notorious Chinese attorney admitted to the bar by Humphreys, proved too much for some of the others on the ticket, and there was a revolt from the dictatorship of Cayless and Wilcox.

The rebellion took the form during yesterday afternoon of the absolute withdrawal from the ticket of William Mossman. When he raised the standard of revolt he was joined by Kou, Oili and Damiano, leaving on the side of the Chinese only D. M. Kuphea, but later the three who had at first gone out, went back and only Mossman stood his ground. Notice was served on him by Wilcox that he had been given ten days to reconsider his decision, failing which the next highest candidate for the nomination, J. K. Pake, would be put on the ticket.

The conventions were held in the headquarters of the party in Maunakea street. The Fourth district members met first and they had little trouble in getting together. The balloting for candidates on the ticket resulted as follows: Joseph Aea 32, L. K. Kentwell 31, John D. Holt 27, D. Kaona and Chas. McCarthy 24, I. Nauha 21. The others running and their votes were as follows: S. K. Kawakia 14, L. W. P. Kamalii 12, D. Noley 12, Lapana 4, W. H. Kapu 3, P. Halelo 2, J. P. Hine 1.

While the Fourth district men were meeting the Fifth district delegates were enjoying the hospitality of Ng Mon War, and when the convention was called to order at the conclusion of the Fourth district meeting, it was for a lively session. When nominations were called there were 24 men put before the convention and after ballot printing the following were nominated: William Mossman 43, Ng Mon War 37, D. M. Kuphea 34, S. K. Oili 34, M. K. Iou 29, D. Damiano 24. The vote for the others was as follows: J. K. Pake 22, Asa Kaulia 8, Wm. Ringer 7, J. K. Prendergast 6, S. K. Mahoe 5, J. A. Baker 5, J. M. Kealoha 4, Geo. K. Kala 3, H. C. Vida, Wm. Kaleihua, 2, B. Kanehelau 2, D. W. Kamallikane 1, S. Pua, Kaukall'u, A. K. Williams, M. K. Nakuina and H. Kauahilo, 0. In both instances D. Kalaokalani Sr. presided and swore the delegates to vote for the best men.

After the conventions there was much hot talk. The Home Rule party was declared by some to have been sold out to the "pakes," and there was discussion as to the wisdom of holding another Fifth district convention.

Mossman announced his resignation in writing to a mass meeting of Home Rulers held in Waverly Hall last evening. He was not alone in his bolt and objection to Ng Mon War, but prominent Hawaiians in the crowd expressed their dissatisfaction that a Chinese of Mon War's stamp should be placed on the ticket. William Ringer left the hall in disgust when Kalaokalani and Wilcox declared that Ng Mon War was as good as the rest of them, and he declared that scores of votes would be taken away from the ticket.

Last night's meeting was to ratify the ticket just nominated. The two Democrats, McCarthy and Holt, spoke with the rest of the nominees, but when Holt's name was called a large

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GOVERNOR DOLE SUSPENDS AUDITOR
AUSTIN AND FILES LIST OF CHARGESPOLICE ON THE CHINA
SEARCH FOR FUGITIVE
WRIGHT.

Thinking that perhaps Treasurer Wright did not make his escape on the Alameda and might make an effort to leave on the China today the police kept a thorough watch over that vessel last night. Detectives searched every hole and corner of the Pacific Mail liner during the early evening.

The China had a gang of men at work on her all night taking 500 tons of coal into her bunkers and as this went in the police kept a look out for any person who might try to smuggle himself aboard during the confusion occasioned by the work. It would have been a very hard matter for anyone to get on the vessel surreptitiously. At the entrance to the wharf a Customs' inspector was stationed. There was another at the foot of the gang plank, and still another at the top of the gang plank. In addition to this the watchman of the steamer and a quartermaster were on deck. With the representatives of the police force there also there was but a very small chance for anyone to gain the deck without being seen and thoroughly inspected.

The China sails at noon today for the Orient. Taking in five hundred tons of coal here was an unusual proceeding but it was made necessary through a part of her bunkers being filled with cargo in San Francisco. There is also another reason and that is that coal can be obtained cheaper here under present conditions in the market than it can be secured on the Coast.

EXPLORER PEARY
MISSED THE POLE

SYDNEY (Cape Breton), September 18.—Robert E. Peary, the Arctic explorer, is home from the north after an absence of four years, his ship, the Windward, arriving here this morning from Cape Sabine, with all well on board. Peary did not succeed in reaching the North Pole, which has been for years the goal of his ambitions, but he did make the farthest north that has been reached through the Greenland route, his feat only being surpassed by Dr. Nansen and the Italian Duke of Abruzzi. The latter still holds the record.

Peary's most northerly point was 84 deg. 17 min. of latitude, which is in the Polar sea, northwest of Cape Hecla, a point on Grinnell Land. Peary reached this latitude after an arduous and perilous sledge journey, during the latter portion of which he was accompanied only by Matt Hensen, a negro companion, and two Esquimaux.

THE FRAM RETURNS.
HAUGESUND, Norway, Sept. 19.—The Arctic steamer Fram, homeward bound, with the Sverdrup expedition on board, passed Utsred today and took a pilot on board.

Captain Otto Sverdrup, who was in command of the Fram during Dr. Nansen's expedition to the North Pole in 1895, sailed from Christiania, Norway, for the Arctic regions, June 24, 1898. Previous to his sailing Lieutenant Peary complained of Captain Sverdrup's expedition and the Captain explained in a letter that he did not aim to reach the Pole, but only intended to explore Greenland and to make a study of the ice in that region and by means of sledging journeys to explore the unknown regions of North Greenland.

AN EXPERT'S VIEW.
NEW YORK, Sept. 19.—Dr. Frederick A. Cook of Brooklyn, who was with Lieutenant Peary on one of his Arctic trips and with the Belgica expedition to the South Pole as chief surgeon, expresses the opinion that Peary's latest endeavor was by no means a failure and that the explorer has added "material to the annals of science which will be found invaluable, in fact more valuable than the actual discovery of the Pole itself."

"All this talk about the terrible dangers to be met before reaching the pole is sheer rot," continued Dr. Cook. "A man, all things taken into account, is just as safe on the Arctic ice fields as he is in New York. There are no fever germs there, no contagious diseases, no miasmatic swamps, no sewer gas, no decaying vegetables, no rotting rags. Everything is on ice. There is no danger in traversing the ice fields, nor from the cold, which is not so severe as the cut of the saline blasts on the Atlantic sea coasts."

It is the food question, he added, that was the "cul de sac" that closes up the way to the pole. When this problem is solved reaching the pole will, in his opinion, be quite a simple undertaking.

Austin Refuses to Resign and Threat-
ens "Violence" and "Unhappy
Consequences" If Pressed.He Declares That the Executive Has No Power
to Summarily Remove Him--Henry C.
Meyers Named for Austin's Place.After the Charges Were Formulated, Austin Refused to Give Up
His Office and Told the High Sheriff That Force
Would Be Required to Eject Him.

HERBERT C. AUSTIN, Auditor for the Territory, was suspended by Governor Dole yesterday, following a refusal to accede to the executive's request for his resignation. Deputy Auditor H. C. Meyers was appointed to take charge of the office, but has been prevented from doing so, by the further refusal of Mr. Austin to accede to the action of the Governor. An attempt to remove Mr. Austin was made by High Sheriff Brown yesterday but was unsuccessful, the Auditor resisting and telling Mr. Brown that he would yield only to superior force.

Governor Dole requested the resignation of Mr. Austin as auditor some days ago as a result of matters brought to light in the investigation of the B. H. Wright shortage in the Public Works Department. The request was not complied with and to the intimation that in this event the Governor would suspend him, Mr. Austin sent a demand for charges and specifications to the Governor.

Following the receipt of this letter Gov. Dole again requested the auditor to resign, instructing the Attorney General to draw up the charges as requested. This formal document was handed to the auditor and he was given until two o'clock yesterday afternoon to further consider the matter.

The correspondence which passed between the two officials was as follows:

AUDITOR AUSTIN TO THE GOVERNOR.

Auditing Department, Territory of Hawaii.
Honolulu, September, 1902.
Hon. Sanford B. Dole, Governor of the Territory of Hawaii, Honolulu, Hawaii.

Sir: Referring to some recent conversations between us, wherein you requested my resignation as Auditor of this Territory, and intimating your determination to suspend me from said office, in the event that I should refuse or neglect to resign; and in view of that intimation, and of any possible attempt on your part to put into execution the intention therein expressed, I have to submit as follows:

The measure of your authority in the matter of suspension is Section 8 of the Audit Act, (Act 29, Session Laws of 1898) and, until those requisites have been complied with, you have no right to suspend, or to attempt to suspend me from my said office.

The provisions of that section clearly show, as a pre-requisite to the exercise of your power of suspension, that I must have offended, in some one or more of the particulars therein set forth as a ground of suspension. It is obvious that no such fault can be presumed against me; it must be regularly and formally found to exist, and such finding can be arrived at only as the result of:

(A) A formal confession on my part, which has not been made.

(B) Charges and specifications, setting forth such facts as constitute one or other of the causes of suspension therein set forth.

(C) An opportunity for me to be heard in defence of such charges and in reply to such specifications, both as to their legal effect, if true, and as to the immateriality of any thereof,--in other words, an opportunity to either demur, or plead, or both.

(D) A fair and impartial trial of either, or both, the law and the facts which may be involved in such specifications.

(E) Following such fair and impartial trial, a formal finding, upon the evidence adduced of such facts as, in point of law, constitute such offence or offences as is or are contemplated by said Section 8.

When either the condition mentioned in paragraph "(A)" as above, shall occur; or, in the alternative, when all the conditions mentioned in paragraphs "(B)" to "(E)", inclusive, shall concur, then, and not until then, will your authority to suspend me be complete; and any attempt to so suspend me before then, will be premature on your part, illegal, and will be met with all the resistance I can oppose to it.

I deem it my duty to thus advise you of my views upon this matter, arrived at as the result of much consideration, and supported by the advice of counsel, in order that you may possibly be deterred from an act which, if attempted, might lead to violence, and other unhappy consequences.

I have the honor to remain, Sir,

Your obedient servant,

(Signed) H. C. AUSTIN.

Auditor, Territory of Hawaii.

GOVERNOR DOLE'S REPLY.

Executive Chamber, Territory of Hawaii.
Honolulu, Sept. 25, 1902.

Mr. Herbert C. Austin, Auditor of the Territory of Hawaii.

Sir: Whereas, I, Sanford B. Dole, Governor of said Territory, have requested your resignation as Auditor;

And, whereas, you have asked me for a written statement of my reasons for requesting your resignation, and for written charges or specifications of official misconduct;

Now, therefore, I, Sanford B. Dole, Governor of said Territory, hereby present the following reasons for requesting said resignation, and the following charges or specifications upon which said request is founded:

I. That in the latter part of August, 1902, you applied to and requested C. F. Chillingworth, Deputy High Sheriff of said Territory, to loan you for your personal use the sum of two hundred and fifty dollars of the public funds collected as fines and costs by the said Chillingworth in his official capacity aforesaid.

II. That on or about the second day of September, 1902, you applied to and requested the said Chillingworth to loan you for your personal use the sum of two hundred dollars from public funds collected as fines and costs by said Chillingworth in his official capacity aforesaid.

III. That on or about the 6th day of July, 1902, you passed a check for upwards of seventeen hundred dollars, drawn by yourself in favor of Henry C. Hapal, Registrar of Public Accounts of the Territory of Hawaii, said check being drawn on the First Bank of Hilo, you having no funds, and knowing that you had no funds, in said bank to pay said check or any part thereof; and the same being drawn and issued by you to obtain money thereon for your own personal use in your individual capacity.

IV. That on or about the 6th day of July, 1902, you procured from one William Vannatta, a public accountant residing in Hilo, the sum of two hundred and fifty-five dollars, giving therefor your check upon a bank in the city of Honolulu, well knowing at the time that you had no funds in said bank to cover the payment of same; and that the said William Vannatta, as Public Accountant, did return to the Treasurer of the Territory said check for two hundred and fifty-five dollars as a part of the government funds, and upon the presentation of said check for payment it was dishonored.

V. That while holding office as Auditor of said Territory you have procured money from B. H. Wright, Chief Clerk of the Department of Public Works, knowing that said Wright had no except public money in his official custody, you borrowing at one time from the said Wright as aforesaid the sum of seven hundred and fifty dollars, for your own personal use, knowing that the same was taken from public funds.

VI. That you have from time to time given checks to creditors in payment of your personal debts, knowing that you did not have funds on deposit to honor said checks, and that said checks when presented would be dishonored, and were dishonored.

VII. That you have, to a great extent, neglected to audit the accounts of Territorial officials throughout the Ter-

BOYD DID NOT RETURN
FROM COAST ON
CHINA.

Henry Louisson, who returned in the China yesterday, brings information that James H. Boyd did not contemplate returning in the China. Efforts were made last evening to find Mr. Louisson, but he was not at the hotel nor could he be located. Frank Winter said that in conversation with Mr. Louisson, the latter said that he met Mr. Boyd on the ferry at San Francisco and the Superintendent of Public Works, in conversation, remarked that he was on a vacation for the benefit of his health and that of Mrs. Boyd. He said also that he had heard that Haywood Wright had become involved in some little pilikia, but that the government had not indicated that he should return, and unless such a summons should come, Mr. Boyd would spend more time in California. E. S. Boyd was downtown last evening, looking for a letter from his brother, but he received nothing, and hearing the story recounted by Mr. Winter, expressed some surprise and disappointment that his brother had not come home at once.

It is by law you were required to do; and by reason and in consequence of your transactions and conduct aforesaid you have so compromised yourself as to incapacitate you for the faithful and efficient auditing of public accounts; and by reason and in consequence of your neglect aforesaid to properly audit public accounts, and of your non-observance in office aforesaid, a grave defalcation has occurred in the Department of Public Works, and the confidence of the Territorial administration in the correctness of public accounts throughout the Territory has been impaired.

For the foregoing reasons and in the interest of an honest administration of public affairs in this Territory, I, Sanford B. Dole, Governor of said Territory, hereby suspend you from the office of Auditor of said Territory, pending such answer and defense as you may see fit to make to the foregoing statements, charges and specifications, and such further investigations as may be made relative thereto. You are hereby ordered to turn over all books, accounts and other records of the office of Auditor of said Territory to Mr. Henry C. Meyers, Deputy Auditor of said Territory.

(Signed) SANFORD B. DOLE,

Governor of the Territory of Hawaii.

HIGH SHERIFF SERVES NOTICE.

Following Mr. Austin's refusal to resign the Attorney General at the direction of the Governor called in High Sheriff Brown who was requested to serve the notice of suspension upon the auditor. This he did by giving the latter to Mr. Austin and the following letter to Deputy Auditor H. C. Meyers requesting him to take charge of the office:

Executive Chamber, Territory of Hawaii.

Honolulu, Sept. 25, 1902.

Mr. Henry C. Meyers, Deputy Auditor of the Territory of Hawaii.

Sir: Mr. Herbert C. Austin, Auditor of said Territory, having this day been suspended from said office by me, pending such answer and defense as he may see fit to make to certain statements, charges and specifications of official misconduct made by me against him, and such further investigation as may be had relative thereto, I, Sanford B. Dole, Governor of said Territory, hereby direct you to take charge and control of the books, papers, accounts, records, and all matters and things pertaining to said office and to conduct the said office until further notice.

(Signed) SANFORD B. DOLE,

Governor of the Territory of Hawaii.

Mr. Austin signified his intention of remaining and told the sheriff that he would get out only by the use of violence. The High Sheriff withdrew and informed the Attorney General of this action, and was instructed to go to the Governor for further orders, as it is solely within the province of the executive to suspend the auditor. As Governor Dole had already left the office and it was then past office hours, no further action was taken, and the matter is now at a stand still, though the effort to enforce the order may be repeated today.

THE GOVERNOR SPEAKS BRIEFLY.

Governor Dole said last evening: "I served Mr. Austin with notice of suspension today and gave it to the High

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SENATORS
SHUT OFF
SITTINGSClose Down Upon
the Memorial
Makers.WILCOX BRINGS
MANY OBJECTORSHome Rulers With Complaints Fill
Afternoon Session--Wright
Case Is Fully Discussed.

"This committee has reached the end of its public hearings and will soon adjourn. Before doing so, however, I wish on behalf of my fellow members and myself to express to the Territorial and Federal officials, to the witnesses and to the people generally our appreciation of the many kindnesses which we have enjoyed at their hands. The people not only of this city, but of all the islands, have shown us the greatest courtesy, have accorded us the most cordial welcome, and we feel deeply a sense of the hospitable interest felt in our visit. It is with the most sincere thanks that I express regret that our visit must now end. I therefore declare the committee adjourned to meet again on the deck of the steamer Sierra."

Thus Senator Mitchell closed the open hearings of the sub-committee of the United States Senate Committee on Pacific Islands and Porto Rico, commissioned to investigate the government and conditions in Hawaii. It was after a day full of interest and the quality of the material brought out in the hearings was quite up to that which has distinguished each of the prior meetings of the body. The Wright case made the morning session full of meat, and the Home Rulers were given the majority of the afternoon session. There were a number of the most interesting memorials presented, and it was noticeable that even with the wide range of the men heard on the proposition expressed, that under restrictions there should be an admission of field labor to the Territory.

The morning session began with Judge Robinson on the stand to explain his position as to the necessity for three judges. He said that with the state of the calendar, with the population and the business done here, there seemed no way to escape litigation which made it impossible for two judges to handle the business. He showed that 465 cases were commenced in 1898 while in 1902 there were 780. He compared the courts here to those of Alameda county, California, where five judges sit all the time.

Henry Smith submitted a statement showing that there were in 1900 342 cases unfinished, while for the nine months of the present year there were 441. He said that with two judges the work would be only half done. A. S. Humphreys endeavored to explain his stand by saying that in 1900 the courts were closed and that only one judge was on the bench later, so that there was simply a congestion for the time.

Governor Dole was called and asked as to the defalcation of the Treasurer. He said that the Treasurer was not under bonds as the money was generally speaking in the hands of the Registrar. He said that official was under bond. The Treasurer had confessed that he had taken public money out of the Chinese fund, amounting to nearly \$18,000. Gov. Dole said he thought the governor should have something to say about the appointment of subordinates and had talked the matter over with Wright and thought there was an understanding, but found later that there was no authority given him. The Governor said that he considered Mr. Wright's leaving the office tantamount

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